

STATE OF SOUTH CAROLINA )  
COUNTY OF RICHLAND )

IN THE MATTER OF: )  
COMPLAINT C2012-040 )

Paul Curry, )  
Complainant; )

vs. )

Retha Pierce, )  
Respondent. )

BEFORE THE STATE ETHICS COMMISSION

**DECISION AND ORDER**

STATE ETHICS  
COMMISSION

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This matter comes before the State Ethics Commission by virtue of a complaint filed by the Complainant, Paul Curry, on November 2, 2011. On January 18, 2012, pursuant to S.C. Code Ann. §8-13-320(10)(i)(Supp. 2011), the State Ethics Commission reviewed the above-captioned complaint charging Respondent, Retha Pierce, with two violations of Section 8-13-1308 and probable cause was found to warrant an evidentiary hearing.

Present at the Hearing on March 21, 2012 were Commission Members Edward E. Duryea, Chair, George Carlton Manley and JB Holeman. Respondent was not present but was duly noticed. Complainant was represented by Cathy L. Hazelwood, General Counsel. The following charge was considered:

**COUNT ONE**  
**FAILURE TO FILE A PRE-ELECTION CAMPAIGN DISCLOSURE REPORT**  
**SECTION 8-13-1308(D), S.C. CODE ANN., 1976, AS AMENDED**

That the Respondent, Retha Pierce, candidate for Mayor of Atlantic Beach, on or about October 17, 2011, did fail to timely file a pre-election Campaign Disclosure report in violation of Section of 8-13-1308(D).

**COUNT TWO**  
**FAILURE TO ITEMIZE CONTRIBUTIONS ON**  
**CAMPAIGN DISCLOSURE REPORT**  
**SECTION 8-13-1308(F), S.C. CODE ANN., 1976, AS AMENDED**

That the Respondent, Retha Pierce, a candidate for Mayor of Atlantic Beach, in her pre-election Campaign Disclosure report, did fail to itemize an expenditure for campaign signs.

**STATEMENT OF FACTS**

1. The Respondent, Retha Pierce, was a candidate for Mayor of Atlantic Beach in a November 1, 2011 election and she was required to file a pre-election campaign disclosure form (CD) fifteen days before the election.

2. Commission Investigator Dan Choate testified that Respondent filed a pre-election CDR on October 30, 2011. This report was due to be filed by October 17, 2011. Respondent's CD did not reflect expenditures for campaign signs although Complainant had provided photos of the signs. On November 23, 2011 Respondent filed an amended pre-election CD that reported an expenditure for a purchase of campaign signs. Respondent is now in compliance.

**CONCLUSIONS OF LAW**

Based upon the Findings of Fact, the Commission concludes, as a matter of law:

1. During all times relevant, the Respondent, Retha Pierce, was a candidate as defined by Section 8-13-1300(4).
2. The State Ethics Commission has personal and subject matter jurisdiction
3. Section 8-13-1308(D) provides in part:

At least fifteen days before an election, a certified campaign report must

be filed showing contributions of more than one hundred dollars and expenditures to or by the candidate or committee for the period ending twenty days before the election. The candidate or committee must maintain a current list during the period before the election commencing at the beginning of the calendar quarter of the election of all contributions of more than one hundred dollars. The list must be open to public inspection upon request.

4. Section 8-13-1308(F) requires a candidate to disclose all expenditures and all contributions, to include his own, on the candidate campaign disclosure form.

5. Section 8-13-320(10)(l)

(i) requiring the public official, public member, or public employee to pay a civil penalty of not more than two thousand dollars for each violation.

6. Section 8-13-130 provides:

The State Ethics Commission may levy an enforcement or administrative fee on a person who is found in violation, or who admits to a violation of the "Ethics, Government Accountability and Campaign Reform Act of 1991".

### **DECISION**

NOW, THEREFORE, based on the foregoing Findings of Fact and Conclusions of Law, the State Ethics Commission has determined based upon a preponderance of evidence that Respondent Retha Pierce is in violation of Section 8-13-1308(D) and 1308(F); and therefore, Respondent Retha Pierce is hereby PUBLICLY REPRIMANDED and she is assessed a reduced fine of \$500.00 and a \$500.00 administrative fee to be paid within 30 days of receipt of the order. If \$1,000.00 is not paid within 30 days of receipt of the order, then the fine will revert to the full amount of \$4,000.00.

IT IS FURTHER ORDERED, pursuant to Section 8-13-320, a Judgment in the amount of \$4,000.00 is, and shall be entered against Respondent, if she fails to pay the

reduced amount in the time allotted.

IT IS FURTHER THE ORDER OF THIS COMMISSION that the Clerk of Court of the County in which Respondent was last known to reside shall enter this Order in its Judgment Rolls, without cost to the State Ethics Commission, in the amount of \$4,000.00 upon the Commission's filing of same with the Clerk of Court's Office.

FINALLY, Respondent Retha Pierce has ten (10) days from receipt of this order to appeal this Decision and Order to the full Commission.

IT IS SO ORDERED THIS 29th DAY OF April, 2012.

STATE ETHICS COMMISSION

  
EDWARD E. DURYEA  
HEARING CHAIR

COLUMBIA, SOUTH CAROLINA